

DOCKET NO: 282736US8X

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
FREDERIC KAPLAN : EXAMINER: LIEW, ALEX KOK SOON  
SERIAL NO: 10/680,006 :  
FILED: OCTOBER 7, 2003 : GROUP ART UNIT: 2624  
FOR: ADAPTIVE ARTIFICIAL VISION :  
METHOD AND SYSTEM

PETITION FOR REVIVAL OF ABANDONED APPLICATION  
UNDER 37 C.F.R. § 1.137 (b)

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive the Notice of Abandonment dated October 19, 2007, Applicant hereby requests withdrawal of said abandonment, and revival of the above-identified application for the following reasons.

On August 23, 2007, we filed an Amendment Cover Letter, a three-month Request for Extension of Time, and non-final Amendment in response to the Official Action dated February 23, 2007. On October 19, 2007 we received a Notice of Abandonment from the U.S. Patent and Trademark Office (USPTO) indicating that a response was not filed in Application Serial No. 10/680,006.

After reviewing the Notice of Abandonment, we checked our docketing system and determined that a response was filed with the USPTO on August 23, 2007 for the above-identified application. However, after checking the actual papers filed on August 23, 2007 we discovered that the attorney docket number for a different application (Serial No. 10/538, 300) was inadvertently typed onto the Amendment. As a result, the incorrect identifying

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information auto-populated on the top portion of page 1 of the Amendment. We did a check of PAIR's Image File Wrapper for Application Serial No. 10/680,006 and discovered that there was no evidence indicating that an Amendment was filed.

We then viewed PAIR's Image File Wrapper for Application Serial No. 10/538, 300 and realized that the Amendment filed on August 23, 2007 was entered into the USPTO's system as a Preliminary Amendment for Application Serial No. 10/538, 300. The response filed on August 23, 2007 is not a Preliminary Amendment, but an Amendment for Application Serial No. 10/680,006 as indicated on page 1. Also, a non-final Amendment would not have been intentionally filed in this application considering the USPTO has not issued an Official Action for Application Serial No. 10/538, 300.

To further support that the abandonment of this application was unintentional, the Amendment was filed using the correct Claims 1-16 as shown on pages 2-8 of the attached date-stamped Amendment, and the Remark/Arguments section on pages 9-12 refer to detailed information which can clearly be found in the attached Official Action of February 23, 2007. Also, please note that the correct Application Serial No. 10/680,006 is clearly listed on the Amendment Cover Letter and three-month Request for Extension of Time that was filed with the Amendment on August 23, 2007.

The entire delay in filing the required response from the due date for the reply until the filing of this grantable petition pursuant to this paragraph was unintentional. We have enclosed copies of PAIR's Image File Wrappers for Application Serial Nos. 10/538,300 and 10/680,006, date-stamped copies of the Filing Receipt, non-final Amendment, Amendment Cover Letter and three-month Request for Extension of Time filed on August 23, 2007, and a copy of the Official Action issued in Application Serial No. 10/680,006 on February 23, 2007.

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We have also enclosed the revised version of the non-final Amendment along with the Amendment Cover Letter and three-month Request for Extension of Time. Each document properly lists Application Serial No. 10/680,006. The three-month extension of time fee was paid on August 23, 2007. The required fee of \$1,540.00 is filed herewith. Also, no new matter has been added to the Amendment.

In light of the foregoing, the undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
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